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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,412	06/23/2003	Charles Newton Knowles	WOLFCR-01	2231
35125	7590	01/12/2005	EXAMINER	
STEVEN D.A. MCARTHY P.O. BOX 53524 CINCINNATI, OH 45253			BOCHNA, DAVID	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/602,412

Applicant(s)

KNOWLES ET AL.

Examiner

David E. Bochna

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-83 is/are pending in the application.
- 4a) Of the above claim(s) 1-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-34, 36-67, 69-71, 73-81 and 83 is/are rejected.
- 7) ☒ Claim(s) 35, 68, 72 and 82 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

Election/Restrictions

2. Claims 1-29 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected method, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 10/18/04.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the subject matter of claims 36-50 and 56-58 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a

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drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Information Disclosure Statement

4. The information disclosure statement filed 6/23/03 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Objections

5. Claim 66 is objected to because of the following informalities:

Claim 66 recites the limitation "the two axially spaced, raised detents" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 30-34, 51, 59-61 and 64-67 are rejected under 35 U.S.C. 102(b) as being anticipated by Schwalm et al.

In regard to claim 30, Schwalm et al. discloses an apparatus for connecting a fitting to a conduit section comprising:

a rigid insert 19 defining a central lumen; and

a rigid, one piece collar 18 having an opening sufficiently large to receive the insert, the one-piece collar defining a first end, a second end and an opening extending from the first end to the second end, the opening flaring 12 from a position intermediate the first and second ends toward the first end.

In regard to claim 31, wherein the insert 19 includes a generally cylindrical body and an annular groove 20.

In regard to claim 32, wherein the insert includes a generally cylindrical body and an annular groove; and the apparatus includes an annular seal 21 seated in the annular groove.

In regard to claim 33, wherein one end of the insert 7 is chamfered.

In regard to claim 34, wherein the insert and the one-piece collar are composed of the same material.

In regard to claim 51, Schwalm et al. discloses an apparatus comprising;

a conduit section 1 defining a conduit section lumen;

a fitting 3a;

a rigid insert defining a central lumen and two axially-spaced, raised detents 10 the rigid insert being affixed to the fitting and extending into the conduit section lumen; and a rigid,

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one-piece collar 15 positioned over the conduit section in substantial alignment between the two axially-spaced, raised detents.

In regard to claim 61. (original) The apparatus of claim 51 wherein the one-piece collar defines a first end 11, a second end and an opening extending from the first end to the second end; the opening 12 flares from a position intermediate the first and second ends toward the first end; and the first end faces the fitting.

In regard to claim 64, Schwalm et al. discloses a conduit section defining a conduit section lumen 4;

a fitting 3b;

a rigid insert 19 defining a central lumen, the rigid insert being affixed to the fitting and extending into the conduit section lumen; and

a rigid, one-piece collar 18 positioned over the conduit section, the one-piece collar defining a first end 13, a second end 17 and an opening extending from the first end to the second end; the opening flaring 12 from a position intermediate the first and second ends toward the first end; and the first end faces facing the fitting.

In regard to claim 65, including a seal 21 mounted on the insert.

In regard to claim 66, including an annular seal 21, wherein the insert including a generally cylindrical body and an annular groove 20; and the annular seal 21 is seated in the annular groove.

In regard to claim 67, including a seal 21 mounted on the insert, the one-piece collar being in substantial alignment over the seal.

8. Claims 51-55, 62-63 and 83 are rejected under 35 U.S.C. 102(b) as being anticipated by Lowrey.

In regard to claim 51, Lowrey discloses an apparatus comprising;

a conduit section 1b defining a conduit section lumen;

a fitting 4;

a rigid insert 2b defining a central lumen and two axially-spaced, raised detents (protrusions on the exterior of 2b) the rigid insert being affixed to the fitting and extending into the conduit section lumen; and a rigid, one-piece collar 9 positioned over the conduit section in substantial alignment between the two axially-spaced, raised detents.

In regard to claim 52, wherein the one-piece collar 9 straddles at least one of the two axially-spaced, raised detents.

In regard to claim 53, wherein the insert includes a generally cylindrical body and the two axially-spaced, raised detents are annular, raised detents (protrusions on the exterior of 2b).

In regard to claim 54 wherein the insert includes a generally cylindrical body and two axially-spaced, raised detents are annular barbs (protrusions on the exterior of 2b).

In regard to claim 55, wherein the two axially-spaced, raised detents are substantially the same in size and configuration (protrusions on the exterior of 2b).

In regard to claim 62, wherein the insert and the one-piece collar are composed of the same material.

In regard to claim 63, including a strap 11b defining strap end portions, wherein the insert includes a staple 13; the strap passes through the staple; and one of the strap end portions engages the one-piece collar 9.

In regard to claim 83, Lowrey discloses an apparatus comprising:

a conduit section 1b defining a conduit section lumen;

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a fitting 4;

a rigid insert 2b defining a central lumen, the rigid insert being affixed to the fitting and extending into the conduit section lumen;

the rigid insert 2b including a staple 13;

a retainer 9 positioned over the conduit section; and

a strap 11b defining strap end portions, the strap passing through the staple and one of the strap end positions engaging the retainer.

9. Claims 69-71 and 73-75 are rejected under 35 U.S.C. 102(b) as being anticipated by Jansen.

In regard to claim 69, Jansen discloses an apparatus comprising:

a conduit section 46 defining a conduit section lumen;

a fitting 22;

a rigid insert 36 defining a central lumen, a first raised detent (any one of 40), a second raised detent 40 axially spaced from the first raised detent and a third raised detent 40 axially spaced from the first and second raised detents, the rigid insert being affixed to the fitting and extending into the conduit section lumen;

a first retainer 26 positioned over the conduit section in substantial alignment between the first and second raised detents; and a second retainer 26 positioned over the conduit section in substantial alignment between the second and third raised detents.

In regard to claim 70, wherein the first retainer 26 straddles at least one of the first and second raised detents.

In regard to claim 71, wherein the first retainer 26 is a rigid, one-piece collar (the collar 26 is rigid once it is clamped down).

In regard to claim 73, wherein the first retainer 26 is a clamp.

In regard to claim 74, wherein the insert includes a generally cylindrical body; and the first and second raised detents are annular, raised detents.

In regard to claim 75, wherein the insert includes a generally cylindrical body; and the first and second raised detents are annular barbs.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 36, 50 and 56-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowrey.

In regard to claims 36, 56-58, Lowrey discloses a rigid insert for connecting a fitting to a conduit section, the rigid insert comprising a body defining a central lumen; a first raised detent, a second raised detent axially spaced from the first raised detent; and a third raised detent between the first and second raised detents, but Lowrey does not disclose the third and fourth raised detent being different sizes than the first and second raised detents. However, it would have been obvious to make the third and fourth detents different sizes because a change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955).

In regard to claim 50, the rigid insert mounting a staple.

12. Claims 36-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman.

In regard to claim 36, Newman discloses a rigid insert 49 for connecting a fitting 14 to a conduit section, the rigid insert comprising a body defining a central lumen; a first raised detent 28; a second raised detent axially spaced from the first raised detent; and a third raised detent between the first and second raised detents, but Newman does not disclose the third raised detent being smaller than the first and second raised detents. However, it would have been obvious to make the third detent smaller because a change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955).

In regard to claim 37, wherein the insert includes a generally cylindrical body; and the first, second and third raised detents are annular, raised detents.

In regard to claim 38, wherein the insert includes a generally cylindrical body; and the first, second and third raised detents are annular barbs.

In regard to claim 39, wherein the first and second raised detents are substantially the same in size and configuration.

In regard to claim 40, including a fourth raised detent between the first and second raised detents, the third and fourth raised detents being substantially the same in size and configuration (it would have been obvious to make the third detent and fourth detent the same size because a change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955).

In regard to claim 41, including a fourth raised detent and a fifth raised detent; the fifth raised detent being axially spaced from the first and second raised detents; the fourth raised detent being between the fifth raised detent and one of the first and second raised detents; and the

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fourth raised detent being smaller than the first, second and fifth raised detents (it would have been obvious to make the fourth detent smaller because a change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955).

In regard to claim 42, including a fourth raised detent and a fifth raised detent; the fifth raised detent being axially spaced from the first and second raised detents; the fourth raised detent being between the fifth raised detent and one of the first and second raised detents; the first, second and fifth raised detents being substantially the same in size and configuration; and the fourth raised detent being smaller than the first, second and fifth raised detents (it would have been obvious to make the fourth detent smaller because a change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955).

In regard to claim 43, including a fourth raised detent and a fifth raised detent; the fifth raised detent being axially spaced from the first and second raised detents; the fourth raised detent being between the fifth raised detent and one of the first and second raised detents; and the third and fourth raised detents being substantially the same in size and configuration.

In regard to claim 44, including a generally cylindrical body and an annular groove between the first and second raised detents.

In regard to claim 45, in combination with an annular seal, wherein the insert includes a generally cylindrical body and an annular groove between the first and second raised detents; and the annular seal is seated in the annular groove.

In regard to claim 46, wherein one end of the insert is chamfered.

In regard to claim 47, in combination with a rigid, one-piece collar 16 having an opening sufficiently large to receive the insert.

In regard to claim 48, in combination with a rigid, one piece collar 16 having an opening sufficiently large to receive the insert, the one-piece collar defining a first end, a second end and an opening extending from the first end to the second end, the opening flaring from a position intermediate (the opening flares from 54 toward 64) the first and second ends toward the first end.

In regard to claim 49, Newman discloses a collar 16, but does not disclose that the collar is the same material as the insert. However, it would have been obvious to make the collar and the insert out of the same material because the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

13. Claims 59 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwalm et al. in view of Newman. Schwalm et al. discloses an apparatus as described above that is creating a sealed connection between a hose and an end fitting, but Schwalm et al. does not disclose placing a seal between two detents 10. Newman teaches supplying a seal in an annular groove between two detents in order to increase the sealing properties of the coupling. Therefore it would have been obvious to a person having ordinary skill in the art to add a seal between the detents of Schwalm et al., as taught by Newman, in order to create a better seal between the hose and end fitting.

14. Claims 76-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jansen in view of Newman. Jansen discloses an apparatus as described above that is creating a sealed

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connection between a hose and an end fitting, but Jansen does not disclose placing a seal between the detents. Newman teaches supplying a seal in an annular groove between the detents in order to increase the sealing properties of the coupling. Therefore it would have been obvious to a person having ordinary skill in the art to add a seal between the detents of Jansen, as taught by Newman, in order to create a better seal between the hose and end fitting.

15. Claims 78-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jansen. In regard to claims 78-81 Jansen discloses a fitting with numerous detents being the same size. However it would have been obvious to one of ordinary skill in the art to make the numerous detents various sizes because a change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955).

Allowable Subject Matter

16. Claims 35, 68, 72 and 82 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

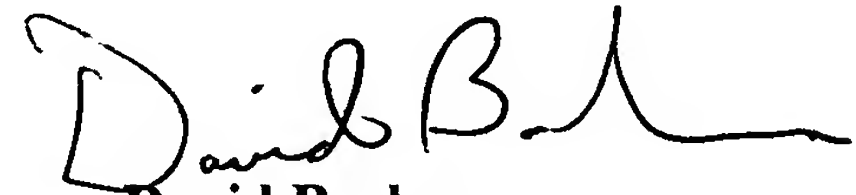
17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hennig, Dallai et al., Lavender, Pirona, Schafer et al., Zimmerman, Andrews all disclose similar couplings common in the art.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Bochna whose telephone number is (703) 306-9040. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

A handwritten signature in black ink, appearing to read "David Bochna", with a stylized flourish at the end.

David Bochna
Primary Examiner
Art Unit 3679
January 10, 2005